

ESTTA Tracking number: **ESTTA595682**

Filing date: **03/31/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	Hint Incorporated
Granted to Date of previous extension	03/30/2014
Address	P.O. Box 29078 San Francisco, CA 94129 UNITED STATES

Attorney information	Lori S. Kozak Blakely Sokoloff Taylor & Zafman LLP 12400 Wilshire Blvd. 7th Floor Los Angeles, CA 90025-1040 UNITED STATES lori_kozak@bstz.com, garbo_tat@bstz.com, tm_filings@bstz.com, bstz_mail@bstz.com Phone: 310.207.3800
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### Applicant Information

Application No	85587638	Publication date	10/01/2013
Opposition Filing Date	03/31/2014	Opposition Period Ends	03/30/2014
Applicant	Sunrise Apparel Group, LLC 801 S. Figueroa Street, Suite 2500 Los Angeles, CA 90017 CANADA		

### Goods/Services Affected by Opposition


Class 016. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Diaries; Note pads; Pencils; Pens
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### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)


### Marks Cited by Opposer as Basis for Opposition


U.S. Registration No.	3184565	Application Date	10/27/2004
Registration Date	12/12/2006	Foreign Priority Date	NONE
Word Mark	HINT		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 032. First use: First Use: 2005/04/24 First Use In Commerce: 2005/04/24 Drinking water, bottled water, flavoredwaters, fruit flavored drinking water


U.S. Registration No.	4357028	Application Date	09/05/2012
Registration Date	06/25/2013	Foreign Priority Date	NONE
Word Mark	HINT DRINK WATER NOT SUGAR		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2007/01/00 First Use In Commerce: 2007/01/00 T-shirts, jackets, shorts		


U.S. Registration No.	3979347	Application Date	04/20/2010
Registration Date	06/14/2011	Foreign Priority Date	NONE
Word Mark	HINT		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 003. First use: First Use: 2011/01/21 First Use In Commerce: 2011/01/21 lip balms, lip balms featuring sunscreen

U.S. Registration No.	4214185	Application Date	07/01/2008
Registration Date	09/25/2012	Foreign Priority Date	NONE
Word Mark	HINT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 2012/07/30 First Use In Commerce: 2012/07/30 portable misters containing scented water for personal use		

U.S. Registration No.	3729204	Application Date	03/27/2008
Registration Date	12/22/2009	Foreign Priority Date	NONE
Word Mark	HINTTV		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 038. First use: First Use: 2008/05/19 First Use In Commerce: 2008/05/19 transmission of audio and video material on the Internet; electronic transmission of voice, data and images by video broadcasting Class 041. First use: First Use: 2008/05/19 First Use In Commerce: 2008/05/19 educational and entertainment services, namely, a continuing program about health, nutrition, fitness and a healthy lifestyle accessible via the Internet and computer networks; digital video, audio, and multimedia publishing services

U.S. Registration No.	3919978	Application Date	10/18/2006
Registration Date	02/15/2011	Foreign Priority Date	NONE
Word Mark	HINT FIZZ		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 032. First use: First Use: 2010/11/15 First Use In Commerce: 2010/11/15 drinking water, bottled water, flavoredwaters, fruit flavored drinking water, sparkling water, aerated water		

Attachments	78506784#TMSN.jpeg( bytes ) 85721265#TMSN.jpeg( bytes ) 85018801#TMSN.jpeg( bytes ) 77512796#TMSN.jpeg( bytes ) 77433744#TMSN.jpeg( bytes ) 77024446#TMSN.jpeg( bytes ) 7265.M007 Notice of Opp.PDF(1483676 bytes )
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## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Lori S. Kozak/
Name	Lori S. Kozak
Date	03/31/2014

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Hint, Inc.	)	
	)	Trademark Application
Opposer,	)	Serial No. 85/587638
	)	
v.	)	Filed: April 3, 2012
	)	
Sunrise Apparel Group, LLC	)	Mark: HINT
	)	
Applicant	)	Published: October 1, 2013
	)	

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

**NOTICE OF OPPOSITION**

Hint, Inc., by and through its undersigned attorneys, believes that it will be damaged by the registration of the mark shown in U.S. Trademark Application Serial No. 85/587638 for the mark HINT in International Class 16 and hereby opposes the same. As grounds for opposition, it is alleged that:

1. Upon information and belief, Applicant Sunrise Apparel Group, LLC (hereinafter "Applicant"), is a California limited liability company with an address of 801 S. Figueroa Street, Suite 2500, Los Angeles, CA 90017.
2. Upon information and belief, Applicant seeks to register the mark HINT for goods identified as "diaries; note pads; pencils; pens" in International Class 16 (hereinafter "Applicant's Goods").

3. Upon information and belief, the subject application was filed on April 3, 2012 and was published for opposition on October 1, 2013.
4. Opposer Hint, Inc. (hereinafter "Opposer") is a corporation organized under the laws of California with an address of P.O. Box 29078, San Francisco, California 94129.
5. Opposer is the owner of various trademark registrations for the mark HINT alone and in combination with other terms, including:

<b>Mark</b>	<b>Reg. No.</b>	<b>Goods/Services and Class</b>
HINT	3184565	Drinking water, bottled water, flavored waters, fruit flavored drinking water, in Class 32
HINT DRINK WATER NOT SUGAR	4357028	T-shirts, jackets, shorts, in Class 25
HINT	3979347	Lip balms, lip balms featuring sunscreen, in Class 3
HINT	4214185	Portable misters containing scented water for personal use, in Class 3
HINTTV	3729204	Transmission of audio and video material on the Internet; electronic transmission of voice, data and images by video broadcasting, in Class 38 and educational and entertainment services, namely, a continuing program about health, nutrition, fitness and a healthy lifestyle accessible by the Internet and computer networks; digital video, audio and multimedia publishing services in Class 41.
HINT FIZZ	3919978	Drinking water, bottled water, flavored waters, fruit flavored drinking water, sparkling water, aerated water, in Class 32

Please see attached as **Exhibit A** printouts from the U.S. Patent & Trademark Office ("USPTO") online TESS database and, where applicable, the USPTO online Assignment database.

6. Opposer offers clothing and other fashion items under its HINT brand, and is active in the fashion industry and at various fashion-related events.

7. Opposer uses its HINT mark as a lifestyle brand, and offers a variety of items under the mark, including bottled water products, clothing, lip balms, personal misters, stickers, key chains, bottle openers, and online services.
8. Opposer adopted and commenced interstate use of the mark HINT for its beverage, clothing, fashion and lifestyle products and services long prior to any date which may be lawfully claimed by Applicant.
9. Upon information and belief, Applicant filed its application on April 3, 2012 and based its application upon a bona fide intention to use the mark in commerce. Upon information and belief, Applicant has not filed a use statement before the U.S. Patent and Trademark Office.
10. There is no issue as to priority. Opposer has used its HINT mark for many years prior to Applicant's April 3, 2012 filing date, and continues to use its HINT trademark.
11. Opposer has spent a considerable amount of money marketing its various HINT goods and services, and as a result, the mark is well-known among the purchasing public.
12. Opposer's HINT mark became famous prior to Applicant's commencement of use of its HINT mark for the subject goods and prior to the filing date of Applicant's application.
13. Opposer's HINT mark is of significant value to Opposer as an identifier of source in connection with the promotion and offering of its goods and services.
14. Applicant's use of the identical mark HINT in connection with the Applicant's Goods is likely to result in confusion, mistake, and/or deception in that the public will wrongly assume that Opposer has approved of Applicant, is affiliated with Applicant, or has otherwise sanctioned, sponsored or licensed the goods and services of Applicant.



15. Applicant's use of the mark HINT in connection with Applicant's Goods is likely to cause confusion with Opposer's HINT trademarks as used in connection with Opposer's good and services.
16. Opposer would be damaged by the registration of the mark HINT by Applicant as the registration will result in confusion, mistake, and/or deception, and Applicant will be able to trade on Opposer's goodwill and reputation.
17. The registration of Applicant's mark will cause the dilution of the distinctive quality of Opposer's marks, to Opposer's irreparable damage.

WHEREFORE, Opposer prays that this opposition be granted and that Applicant's Application Serial No. 85/587638 for the mark HINT be abandoned.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP

Dated: 3/31/2014



Lori S. Kozak  
Pete Bromaghim

12400 Wilshire Boulevard, Seventh Floor  
Los Angeles, CA 90025  
(310) 207-3800  
Attorneys for Hint, Inc.

PROOF OF SERVICE

I, Garbo Tat, hereby declare that I am employed by the law firm of BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, 12400 Wilshire Boulevard, Seventh Floor, Los Angeles, California 90025-1040; that I am over 18 years of age and not a party to the within action; and that I served the following document: NOTICE OF OPPOSITION, this 31st day of March, 2014, by causing a true copy to be deposited in the United States Mail, first class postage prepaid to Applicant at the following address:

Jill M. Pietrini  
SHEPPARD MULLIN RICHTER & HAMPTON, LLP  
1901 Avenue of the Stars, Ste 1600  
Los Angeles, CA 90067-6055

Date:

3/31/2014

Name: Garbo Tat



# EXHIBIT A



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**HINT****Word Mark** HINT**Goods and Services** IC 032. US 045 046 048. G & S: Drinking water, bottled water, flavored waters, fruit flavored drinking water. FIRST USE: 20050424. FIRST USE IN COMMERCE: 20050424**Standard Characters**  
**Claimed****Mark Drawing Code** (4) STANDARD CHARACTER MARK**Serial Number** 78506784**Filing Date** October 27, 2004**Current Basis** 1A**Original Filing Basis** 1B**Published for**  
**Opposition** December 27, 2005**Registration Number** 3184565**Registration Date** December 12, 2006**Owner** (REGISTRANT) Keenan, Kara INDIVIDUAL UNITED STATES P.O. Box 29078 San Francisco CALIFORNIA 94129

(LAST LISTED OWNER) HINT, INCORPORATED CORPORATION CALIFORNIA P.O. Box 29078 San Francisco CALIFORNIA 94129

**Assignment**  
**Recorded** ASSIGNMENT RECORDED**Attorney of Record** Lori S. Kozak**Type of Mark** TRADEMARK**Register** PRINCIPAL**Affidavit Text** SECT 15. SECT 8 (6-YR).

Live/Dead Indicator LIVE

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## TRADEMARK ASSIGNMENT

Electronic Version v1.1

Stylesheet Version v1.1

SUBMISSION TYPE:	NEW ASSIGNMENT		
NATURE OF CONVEYANCE:	ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL		
CONVEYING PARTY DATA			
Name	Formerly	Execution Date	Entity Type
Kara Keenan		09/18/2006	INDIVIDUAL: UNITED STATES
RECEIVING PARTY DATA			
Name:	Hint, Incorporated		
Street Address:	2430 Scott Street		
City:	San Francisco		
State/Country:	CALIFORNIA		
Postal Code:	94115		
Entity Type:	CORPORATION: CALIFORNIA		
PROPERTY NUMBERS Total: 2			
Property Type	Number	Word Mark	
Serial Number:	78506793	HINT KIDS	
Serial Number:	78506784	HINT	
CORRESPONDENCE DATA			
Fax Number:	(310)820-5988		
<i>Correspondence will be sent via US Mail when the fax attempt is unsuccessful.</i>			
Phone:	310-207-3800		
Email:	amie_park@bstz.com		
Correspondent Name:	Lori Stockton Kozak		
Address Line 1:	12400 Wilshire Boulevard		
Address Line 2:	Seventh Floor		
Address Line 4:	Los Angeles, CALIFORNIA 90025		
ATTORNEY DOCKET NUMBER:	7265.T002		
NAME OF SUBMITTER:	Lori Stockton Kozak		
Signature:	/Lori Stockton Kozak/		

CH \$65.00 78506793

900058485

TRADEMARK  
REEL: 003394 FRAME: 0543

Date:

09/21/2006

Total Attachments: 1

source=HINT001#page1.tif

## Assignment of Trademark

WHEREAS, Kara Keenan, an individual with an address of 2430 Scott Street, San Francisco, California 94115 (hereinafter "Assignor"), is the record title owner of the marks HINT and HINT KIDS for "drinking water, bottled water, flavored waters, fruit flavored drinking water," as set forth in U.S. Application Serial Nos. 78/506784 and 78/506793; and

WHEREAS, Hint, Incorporated, a California corporation with a principal address of 2430 Scott Street, San Francisco, California 94115 (hereinafter "Assignee"), is desirous of acquiring said marks and the above-referenced applications for federal registration thereof;

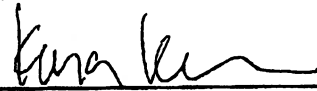
NOW THEREFORE, for good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, Assignor does hereby assign to Assignee all right, title and interest in and to the said marks, together with the entire good will of the business symbolized by the marks, the above identified applications for federal registration thereof, including the right to sue for past infringements.

KARA KEENAN

Date: \_\_\_\_\_

9.18.06

By: \_\_\_\_\_



Kara Keenan





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<b>Word Mark</b>	HINT DRINK WATER NOT SUGAR
<b>Goods and Services</b>	IC 025. US 022 039. G & S: T-shirts, jackets, shorts. FIRST USE: 20070100. FIRST USE IN COMMERCE: 20070100
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Serial Number</b>	85721265
<b>Filing Date</b>	September 5, 2012
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	January 1, 2013
<b>Registration Number</b>	4357028
<b>Registration Date</b>	June 25, 2013
<b>Owner</b>	(REGISTRANT) Hint Incorporated CORPORATION CALIFORNIA P.O. Box 29078 San Francisco CALIFORNIA 94129
<b>Attorney of Record</b>	Lori S. Kozak
<b>Prior Registrations</b>	3184565;3220650;3979347;AND OTHERS
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Live/Dead Indicator</b>	LIVE

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# HINT

<b>Word Mark</b>	HINT
<b>Goods and Services</b>	IC 003. US 001 004 006 050 051 052. G & S: lip balms, lip balms featuring sunscreen. FIRST USE: 20110121. FIRST USE IN COMMERCE: 20110121
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Serial Number</b>	85018801
<b>Filing Date</b>	April 20, 2010
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	August 3, 2010
<b>Registration Number</b>	3979347
<b>Registration Date</b>	June 14, 2011
<b>Owner</b>	(REGISTRANT) Hint Incorporated CORPORATION CALIFORNIA P.O. Box 29078 San Francisco CALIFORNIA 94129
<b>Attorney of Record</b>	Lori S. Kozak
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Live/Dead Indicator</b>	LIVE

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# HINT

**Word Mark** HINT

**Goods and Services** IC 003. US 001 004 006 050 051 052. G & S: portable misters containing scented water for personal use. FIRST USE: 20120730. FIRST USE IN COMMERCE: 20120730

**Standard Characters Claimed**

**Mark Drawing Code** (4) STANDARD CHARACTER MARK

**Serial Number** 77512796

**Filing Date** July 1, 2008

**Current Basis** 1A

**Original Filing Basis** 1B

**Published for Opposition** May 5, 2009

**Registration Number** 4214185

**Registration Date** September 25, 2012

**Owner** (REGISTRANT) Hint, Incorporated CORPORATION CALIFORNIA P.O. Box 29078 San Francisco CALIFORNIA 94129

**Attorney of Record** Lori S. Kozak

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Live/Dead Indicator** LIVE

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# HINTTV

**Word Mark  
Goods and  
Services**

HINTTV

IC 038. US 100 101 104. G &amp; S: transmission of audio and video material on the Internet; electronic transmission of voice, data and images by video broadcasting. FIRST USE: 20080519. FIRST USE IN COMMERCE: 20080519

IC 041. US 100 101 107. G &amp; S: educational and entertainment services, namely, a continuing program about health, nutrition, fitness and a healthy lifestyle accessible via the Internet and computer networks; digital video, audio, and multimedia publishing services. FIRST USE: 20080519. FIRST USE IN COMMERCE: 20080519

**Standard  
Characters  
Claimed****Mark Drawing  
Code**

(4) STANDARD CHARACTER MARK

**Trademark  
Search Facility  
Classification  
Code**

LETS-2 TV Two letters or combinations of multiples of two letters

**Serial Number**

77433744

**Filing Date**

March 27, 2008

**Current Basis**

1A

**Original Filing  
Basis**

1B

**Published for  
Opposition**

January 20, 2009

**Registration  
Number**

3729204

**Registration Date** December 22, 2009  
**Owner** (REGISTRANT) Hint Incorporated CORPORATION CALIFORNIA P.O. Box 29078 San Francisco CALIFORNIA 94129  
**Attorney of Record** Lori S. Kozak  
**Type of Mark** SERVICE MARK  
**Register** PRINCIPAL  
**Live/Dead Indicator** LIVE

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HINT FIZZ

## Word Mark

HINT FIZZ

## Goods and Services

IC 032. US 045 046 048. G &amp; S: drinking water, bottled water, flavored waters, fruit flavored drinking water, sparkling water, aerated water. FIRST USE: 20101115. FIRST USE IN COMMERCE: 20101115

## Standard

## Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 77024446

Filing Date October 18, 2006

Current Basis 1A

Original Filing Basis 1B

Published for Opposition August 21, 2007

Registration Number 3919978

Registration Date February 15, 2011

Owner (REGISTRANT) Hint, Incorporated CORPORATION CALIFORNIA P.O. Box 29078 San Francisco CALIFORNIA 94129

Attorney of Record Lori S. Kozak

Prior Registrations 3181686;3184565

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "FIZZ" APART FROM THE MARK AS SHOWN

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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